



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,143	03/19/2004	William E. Peterson JR.		8649

28010 7590 10/07/2004

JAMES W. KOLLAS  
1104 FERNWOOD AVENUE  
CAMP HILL, PA 17011

EXAMINER

SALDANO, LISA M

ART UNIT PAPER NUMBER

3673

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/805,143

Applicant(s)

PETERSON ET AL.

Examiner

Lisa M. Saldano

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “right and left side rails, right and left side rail slats, right and left corner legs, catch elements, pressure plate and latching bar” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show important details of the invention, including “right and left side rails, right and left side rail slats, right and left corner legs, catch elements, pressure plate and latching bar” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The lack of detailed drawings has resulted in an incomplete portrayal of the invention. The examiner has provided a prior art rejection as best understood.

***Claim Objections***

3. Claims 9 and 10 are objected to because of the following informalities:

Regarding claim 9, line 1, the applicant recites limitations directed to “the components.” However, prior claim language from which this limitation depends fails to explicitly disclose “components.”

Regarding claim 10, line 7, the applicant recites limitations directed to “the components.” However, prior claim language from which this limitation depends fails to explicitly disclose “components.”

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Guillot (US2002/0157182A1).

Regarding claim 1, Guillot discloses a child’s crib comprising a dropside assembly means 14, latching means 50, and corner means 17,18 (see Fig.1). Guillot

Art Unit: 3673

discloses that the crib comprises concealed hardware for controlling the raising and lowering of the crib side wherein the crib configuration is capable of functioning to avoid the threat of having fingers pinched as the side is raised and lowered (see page 1, paragraph [0006]).

Regarding claim 2, Guillot discloses that the child's crib comprises a top horizontal bar 20, a bottom horizontal bar 21, slats 24 spaced at intervals, right and left side post or rail slats 22,23 (see Fig.1). As broadly claimed by the applicant, the right and left crib ends 11,12 function as right and left side rails that are attached to the right and left side rail slats 22,23 via end posts 17.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guillot as applied to claim 1 above, and further in view of Benoit (4,924,539).

Guillot discloses the invention as described above. Specifically, Guillot discloses latching means 50. Furthermore, Guillot discloses that most common crib hardware comprises a latching bar along a bottom rail of the crib that engages catch elements.

Art Unit: 3673

However, Guillot fails to disclose a pressure plate in combination with the latching bar and catch elements.

Benoit (4,924,539) discloses a child's crib comprising latching mechanisms. Benoit discloses the use of button that may be plates and pressure applied to such button (see column 3, lines 23-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Guillot to comprise a latching bar, catch elements and a pressure plate, as suggested by Benoit (4,924,539), because the applicant of the present invention in his/her recitation of claim 3 has merely combined elements of cribs as disclosed by both Guillot and Benoit (4,924,539), without detail for understanding how the elements function together. As broadly claimed by the applicant, it would have been obvious to one of ordinary skill in the art to combine the elements suggested by both Guillot and Benoit (4,924,539) because they suggest that the claimed elements have been used in children's crib before. Furthermore, applicant should note that placing "can be" before an element's description within a claim does not require that particular element to be in the invention. Therefore, it is interpreted that this limitation is optional.

8. Claims 4, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillot as applied to claim 1 above, and further in view of Benoit (4,850,066) and Benoit (4,924,539).

Guillot discloses the invention as described above comprising a dropside assembly means 14, latching means 50, and corner means 17,18 (see Fig.1). Guillot discloses that the right and left side post or rail slats 22,23 comprise elongated tracks 42

Art Unit: 3673

for receiving coupling elements 30 (see page 3, paragraph [0043]). Guillot discloses that the child's crib comprises a top horizontal bar 20, a bottom horizontal bar 21, slats 24 spaced at intervals, right and left side post or rail slats 22,23 (see Fig.1). As broadly claimed by the applicant, the right and left crib ends 11,12 function as right and left side rails that are attached to the right and left side rail slats 22,23 via end posts 17.

Furthermore, Guillot discloses that most common crib hardware comprises a latching bar along a bottom rail of the crib that engages catch elements.

However, Guillot fails to disclose that the corner means comprise a slotted region for receiving a side rail, as claimed by the applicant. Guillot also fails to disclose a pressure plate in combination with the latching bar and catch elements.

Benoit (4,850,066) discloses a child's crib comprising corner posts 14,16,18,20 wherein the corner posts comprises a slotted region housing track 50 that receives rail side slats 46,48 via extending latch tab 56 (see Fig.6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the crib of Guillot to incorporate slotted regions in the corner legs, as taught by Benoit (4,850,066) because both inventions are directed to providing dropside assemblies for children's cribs. Benoit (4,850,066) merely illustrates that a slotted region may be provided in corner legs means, just as they may be placed in side rail slats for the same purpose of providing dropside means for a crib. The placement of the slot in the corner as opposed to side rail slats is a mere reversal of parts.

Benoit (4,924,539) discloses a child's crib comprising latching mechanisms. Benoit discloses the use of button that may be plates and pressure applied to such button (see column 3, lines 23-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Guillot to comprise a latching bar, catch elements and a pressure plate, as suggested by Benoit (4,924,539), because the applicant of the present invention in his/her recitation of claim 3 has merely combined elements of cribs as disclosed by both Guillot and Benoit (4,924,539), without detail for understanding how the elements function together. As broadly claimed by the applicant, it would have been obvious to one of ordinary skill in the art to combine the elements suggested by both Guillot and Benoit (4,924,539) because they suggest that the claimed elements have been used in children's crib before. Furthermore, applicant should note that placing "can be" before an element's description within a claim does not require that particular element to be in the invention. Therefore, it is interpreted that this limitation is optional.

9. Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillot (US2002/0157182A1) in view of Benoit (4,850,066).

Guillot discloses the invention as described above comprising a dropside assembly means 14, latching means 50, and corner means 17,18 (see Fig.1). Guillot discloses that the right and left side post or rail slats 22,23 comprise elongated tracks 42 for receiving coupling elements 30 (see page 3, paragraph [0043]). Guillot discloses that the child's crib comprises a top horizontal bar 20, a bottom horizontal bar 21, slats 24 spaced at intervals, right and left side post or rail slats 22,23 (see Fig.1). As broadly claimed by the applicant, the right and left crib ends 11,12 function as right and left side rails that are attached to the right and left side rail slats 22,23 via end posts 17.

Art Unit: 3673

Furthermore, Guillot discloses that most common crib hardware comprises a latching bar along a bottom rail of the crib that engages catch elements.

However, Guillot fails to disclose that the corner means comprise a slotted region for receiving a side rail, as claimed by the applicant.

Benoit (4,850,066) discloses a child's crib comprising corner posts 14,16,18,20 wherein the corner posts comprises a slotted region housing track 50 that receives rail side slats 46,48 via extending latch tab 56 (see Fig.6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the crib of Guillot to incorporate slotted regions in the corner legs, as taught by Benoit (4,850,066) because both inventions are directed to providing dropside assemblies for children's cribs. Benoit (4,850,066) merely illustrates that a slotted region may be provided in corner legs means, just as they may be placed in side rail slats for the same purpose of providing dropside means for a crib. The placement of the slot in the corner as opposed to side rail slats is a mere reversal of parts.

10. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillot in view of Benoit (4,850,066) as applied to claim 6 above in further view of Benoit (4,924,539).

Guillot and Benoit (4,850,066) disclose inventions as described above. Specifically, Guillot discloses the invention as described above comprising a dropside assembly means 14, latching means 50, and corner means 17,18 (see Fig.1). Guillot discloses that the child's crib comprises a top horizontal bar 20, a bottom horizontal bar 21, slats 24 spaced at intervals, right and left side post or rail slats 22,23 (see Fig.1).

Art Unit: 3673

Benoit (4,850,066) discloses a child's crib comprising corner posts 14,16,18,20 wherein the corner posts comprises a slotted region housing track 50 that receives rail side slats 46,48 via extending latch tab 56 (see Fig.6). Furthermore, Guillot discloses that most common crib hardware comprises a latching bar along a bottom rail of the crib that engages catch elements.

However, Guillot and Benoit (4,850,066) fails to explicitly disclose a pressure plate in combination with the latching bar and catch elements.

Benoit (4,924,539) discloses a child's crib comprising latching mechanisms. Benoit discloses the use of button that may be plates and pressure applied to such button (see column 3, lines 23-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Guillot to comprise a latching bar, catch elements and a pressure plate, as suggested by Benoit (4,924,539), because the applicant of the present invention in his/her recitation of claim 3 has merely combined elements of cribs as disclosed by both Guillot and Benoit (4,924,539), without detail for understanding how the elements function together. As broadly claimed by the applicant, it would have been obvious to one of ordinary skill in the art to combine the elements suggested by both Guillot and Benoit (4,924,539) because they suggest that the claimed elements have been used in children's crib before. Furthermore, applicant should note that placing "can be" before an element's description within a claim does not require that particular element to be in the invention. Therefore, it is interpreted that this limitation is optional.

Art Unit: 3673

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schwartz (4,811,436) and Mayette (1,862,383) disclose features that are pertinent to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



HEATHER SHACKELFORD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600